

REMARKS

Claims 42, 44-52, 55 and 57-87 are pending. Claims 42, 46, and 81-82 are currently amended. Reconsideration of the application is requested.

§ 112 Rejections

Claims 42, 44-52, 55, and 57-87 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards (or Applicants regard) as the invention.

Claim 42 has been amended to clarify that polymer chain includes a plurality of units of the recited formula.

The term “catenary nitrogen” refers to nitrogen as part of the backbone of the chain, as described, for example, in U.S. 4,564,662, col. 2, line 10.

The term “substantially completely” has been deleted, as “dissolved” is clear and well understood in the art.

§ 103 Rejection

Claims 42, 44-51, 55, 67, 72-77, and 79-87 were rejected under 35 USC § 103(a) as being unpatentable over Patton (US 5,607,915).

Applicants respectfully traverse because, among other reasons, the disclosure in Patton, column 5, regarding albumin is only in connection with dry powder formulations, not propellant-based formulations discussed in column 6. There is no disclosure or suggestion in Patton to use a biocompatible polymer to achieve sustained release of drug from an HFA MDI formulation.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration and favorable action are therefore requested.

Respectfully submitted,

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Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

By: /Ted K. Ringsred/

Ted K. Ringsred, Reg. No.: 35,658

Telephone No.: 651-736-5839